

Rule 375-5-2-.22 Contributing Factors to the Suspension, or Revocation, or Cancellation of License **Driver Training School and/or Instructor Licenses**

- (1) ~~The Department may suspend, revoke, or cancel the license of any driver training school, limited driver training school or any licensed instructor, employee or agent thereof for a violation of laws or rules or regulations pertaining to the operation of driver training school after ten (10) days written notice in advance of the time and date of a scheduled hearing at which time such driver training school or licensed instructor shall be allowed to show cause, why such proposed action should not be taken.~~
- (12) Actions which may lead to the suspension, revocation or cancellation of a license, certificate or permit shall include but not be limited to the following:
- (a) Any conviction for a felony or any crime involving violence, or a crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law unless the applicant has received a pardon and can produce evidence of the same. For the purposes of this subparagraph, a plea of nolo contendere shall be considered a conviction. For the purposes of this subparagraph, a conviction for which a person has been free from custody and free from supervision for at least ten (10) years will not be considered, unless the conviction is for an offense which is a dangerous sexual offense as defined in O.C.G.A. § 42-1-12 or the criminal offense was committed against a victim who was a minor at the time of the offense.
 - (b) Knowingly presenting false or misleading information to the Department.
 - (c) Addiction or habitual use of alcohol, dangerous or narcotic drugs.
 - (d) The failure of any instructor to teach within the guidelines as prescribed in the rules and regulations or who demonstrates a lack of ability to instruct in a driver training school.
 - (e) Failure or refusal to permit the Department to inspect a school, its class of instruction, records, vehicles, or any operation or facility pertaining to the school during normal business hours.
 - (f) Failure or refusal to submit to the Department any application for a license or permit in the manner prescribed by the Department.
 - (g) Failure or refusal to produce a license or permit on demand of a prospective student, the Department, or any constituted law enforcement official or agency.
 - (h) Failure to maintain proper standards of instruction, instructors, or equipment sufficient to operate a driver training school or limited driver training school.
 - (i) Employing an instructor, teacher or agent that does not have a license from the Department.
 - (j) Any change of ownership or controlling stockholders of a school without immediately notifying the Department.

- (k) Whenever any owner, instructor, employee, or agent has aided or assisted any person in obtaining a driver license by dishonest or fraudulent means.
 - (l) Whenever instructions to students are contrary to the restrictions imposed on the student's driver license.
 - (m) For unauthorized possession of application forms, questionnaires, tests, or other materials used by the Department for the purpose of conducting driver examinations or issuing driver licenses.
 - (n) Whenever any owner, instructor, employee, or agent has issued a certificate of completion or signed a contract stating the number of classroom hours and/or behind the wheel hours when the student did not, in fact, receive the number of hours stated.
 - (o) Failure of a driver training school or limited driver training school to maintain a telephone for the exclusive use of the school.
 - (p) If a person holds one or more license(s) as a driver training school owner and/or limited driver training school and/or instructor and one is suspended, revoked, or canceled, this will be grounds in itself for all licenses issued to that person to be suspended, revoked, or canceled.
- (23) A suspension, revocation, or cancellation of an instructor's license automatically terminates any employment relationship that the instructor may have established with other driver training schools.
- (34) Any violation, which results in the suspension or revocation of the instructor's motor vehicle operator's license, will constitute grounds for the suspension of the instructor's license or permit.
- (45) The driver training school or limited driver training school shall notify the Department immediately in writing of any reportable accident involving a school vehicle or any of its instructors, or of any charge made against an instructor of the school as a result of a violation of the motor vehicle laws.
- (56) The Department may impose a monetary fine in addition to, or in lieu of, suspension or revocation of a license for any violation of Georgia law or the regulations governing driver training schools and/or limited driver training schools.
- (6) A driver training school and/or instructor may appeal any action taken in accordance with this rule pursuant to Ga. Comp. R. & Regs. R. 375-1-1-.06.

Authority: O.C.G.A. §§ 43-13-7, 43-13-8.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this amendment is to update and reference the new single appeal rule where all applicable procedures can be found.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES

This proposed amendment removes paragraph (1) because it is not procedurally accurate and to align with unification of hearing procedures under one rule. A reference to the new single appeal rule, Ga. Comp. R. & Regs. R. 375-1-1-.06 is added. The rule title is also updated to reflect what this rule is referring.